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HARNESS, DICKEY & PIERCE, P.L.C.				
P.O. BOX 8910				
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EXAMINER				
KHAN, ASHER R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/759,461

**Applicant(s)**

SEO ET AL.

**Examiner**

ASHER KHAN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/20/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/18/2010;04/30/2010;06/03/2010.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 04/20/2010 have been fully considered but they are not persuasive.

In re page 15, lines 9-14, Applicants argue that Kato does not disclose "the first clip stream file not including audio data"

In response the examiner respectfully points out that Ando disclose the first clip stream file not including audio data (Fig. 3, 132 or Fig. 7 (a)).

In re page 15, lines 15-20, Applicants argue that Ando fails to disclose "the still picture unit configured to be reproduced asynchronously from the audio data, the still picture unit configured to be reproduced without reproduction of the audio data".

In response the examiner respectfully points out that the still picture unit configured to be reproduced asynchronously from the audio data (The system has **Browsable and random** feature of slide show therefore the system reproduces audio (track, 0335, 0102) which is asynchronous of still picture data (ASVOB or ASV, 0335, 0111; Fig. 37) because for the random feature the number of ASVOB to be presented shall be presented at random and also for the browsable feature the a user can skip to the next or pervious audio still video at any time and timing information entry points are all set to zero while audio still video can be presented with audio; 0334-0335). As for the limitation the still picture unit configured to be reproduced without reproduction of the audio data Grecia discloses it in paragraph 0006.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1, 26, 27, 28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specification does not mention the still picture unit configured to be reproduced without reproduction of the audio data. Specification only mentions that audio data reproduced in synchronization or unsynchronized (0085).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 are rejected under 35**

**U.S.C. 103(a) as being anticipated by U.S. Patent Pub. 2002/0164152 A1 to Kato et**

**al. "Kato" in view of U.S. Patent Pub. 2001/0046371 A1 to Ando et al. "Ando", in view of U.S. Patent Pub. 2001/0056580 A1 to Seo et al. "Seo" and in further view of U.S. Patent Pub. 2003/0165328 A1 to Grecia.**

As to claim 1, 26, 27, 28 and 29, Kato discloses an apparatus for recording a data structure for managing reproduction of at least one still picture on a recording medium, the apparatus comprising:

a pick up configured to record data on the recording medium (Fig. 1, Readout unit 26);

a controller configured to control the pick up (Fig. 1, 26) to record at least one playlist file on the recording medium (Fig. 1, controller 23), the playlist file including at least one playitem (Fig. 7)(0154), at least one sub-playitem (Fig. 7) and mark information (Figs. 43 and 79; 0160; 0188-0190), the playitem indicating an in-point and an out-point of a first clip stream (Fig. 7 shows in point and out point, MAIN PATH; MAIN AV STREAM) file, the first clip stream file including presentation data (still picture data of video data), the presentation data being divided into at least one still picture unit, the playitem including duration information indicating whether to display the at least one still picture for one of a finite period of time (in\_time and out time, figs. 2 and 3; 0170-0172; in and out times is a finite duration of time), the sub-playitem associated with the playitem and indicating an in-point and an out-point of a second clip stream file, the second clip stream file including audio data (Fig. 7), the mark information including at least one mark pointing to the still picture (0152).

Kato does not expressly disclose the first clip stream file not including audio data, the still picture unit including the at least one still picture and associated graphic data,

the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously and to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time and the still picture unit configured to be reproduced asynchronously from the audio data, the still picture unit configured to be reproduced without reproduction of the audio data.

Ando discloses the first clip stream file not including audio data (Fig. 3, 132 or Fig. 7 (a)) and to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time (0142; when system is in browsable display mode) and the still picture unit configured to be reproduced asynchronously from the audio data (The system has **Browsable and random** feature of slide show therefore the system reproduces audio (track, 0335, 0102) which is asynchronous of still picture data (ASVOB or ASV, 0335, 0111; Fig. 37) because for random feature the number of ASVOB to be presented shall be presented at random and also for browsable feature the a user can skip to the next or pervious audio still video at any time and timing information entry points are all set to zero while audio still video can be presented with audio; 0334-0335).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Ando. Motivation to combine would have been to allow the system browsable and random features while playing audio and

video data, giving a viewer more control over what the viewer desires to watch and how the viewer wants to watch the audio and video data.

Kato and Ando as modified do not expressly disclose the still picture unit including the at least one still picture and associated graphic data, the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously and the still picture unit configured to be reproduced without reproduction of the audio data.

Seo discloses the still picture unit including the at least one still picture and associated graphic data,, the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously (0006).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato, Ando as modified with the teachings of Seo. Motivation to combine would have been to provide graphic stream to provide viewer interactive contents so that the viewer could communicate with the contents in a desirable fashion.

Kato, Ando and Seo as modified do not expressly disclose the still picture unit configured to be reproduced without reproduction of the audio data.

Grecia disclose the still picture unit configured to be reproduced without reproduction of the audio data (0006).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato, Ando and Seo as modified with the teachings of Grecia. Motivation to combine would have been to allow reproduction of image data without



audio data so that a viewer is able to view image without disturbing other people around him or her.

As to claims 2, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a type indicator indicating that the mark is of a type used for pointing to a still picture (0193-0194).

As to claim 3, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189).

As to claim 4, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claims 6, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claims 7, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a playitem indicator indicating the playitem with which the mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 8, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claim 9, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the atleast one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 10, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information includes a number of marks, and the mark information includes a number indicator indicating the number of marks (0298).

As to claim 11, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein, for each mark, the mark information provides a type indicator indicating a type of the at least one mark (0189) (0190) (Fig. 44) (0294) (0298) (Fig. 43).

As to claims 33, 40, 47, 54, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189; 0190; 0294).

As to claims 34, 41, 48, 55, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189-0190; 0294).

As to claims 35, 42, 49, 56, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information provides a type indicator indicating a type of the at least one mark (Figs. 43-44; 0189-0190; 0294; 0298).

As to claims 5, 32, 39, 46, and 53, Kato, Ando, Seo and Grecia as modified disclose everything claimed as applied in claim 1 above. In addition Kato discloses wherein the at least one mark includes a mark type indicator indicating that the at least one mark is of a type that provides a point to skip to (Fig. 43). Kato does not expressly disclose when displaying a slideshow of still pictures. Ando discloses displaying a slideshow of still pictures (0142).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato and Seo as modified with the teaching of Ando. Motivation would have been to provide a skipping function having a "skip increment" in a slide show to skip between multiple images.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks- Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
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Examiner, Art Unit 2621